IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10629 of 2004

Between:

Swamynathan, S/o. Subbayyasetti, Hindu,
Proprietor of Sri Sai Corporation, D.No.24-99, Kothapeta,
Yellamanchili, Visakhapatnam District.

..... PETITIONER

AND

The Station House Officer, Yellamanchili Town Police Station,
Yellamanchili, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly a writ in the nature of MANDAMUS directing the respondent not to interfere with the lawful and rightful business activities of the petitioner without following due process of law by declaring the action of the respondent as arbitrary, illegal and violative of articles 14, 19 (1) (g) and 21 of the Constitution of India

For the Petitioner: MR.B.M.PATRO, ADVOCATE

For the Respondent: THE GOVERNMENT PLEADER FOR HOME

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondent in interfering with the business of the petitioner, which he has been carrying on in the name and style of "Sri Sai Corporation" at Yellamanchili town, Visakhapatnam district for the last 20 years after obtaining necessary certificate of registration from the Commercial Tax Department as well as from the competent authority under the Shops and Establishment Act, 1988.

2. According to the petitioner, at the instance of the rivals, the respondent – Station House Officer is interfering and disturbing the petitioner from carrying on the business by calling him to the Police Station and making him to wait in the Police Station. It is also stated that no criminal case is registered and pending against the petitioner. Under the above circumstances, he sought for a direction.

3. Heard learned counsel for the petitioner and learned Government Pleader for Home.

4. As it is stated that no criminal case is registered and pending against the petitioner, the Station House Officer has no right either to call the petitioner to the Police Station or to interfere with the business of the petitioner. Therefore, the respondent is directed not to call the petitioner to the Police Station as well as to interfere with his business.

5. The writ petition is accordingly disposed of at the admission stage.

28.06.2004
va

To
1. The Station House Officer, Yellamanchili Town Police Station, Yellamanchili, Visakhapatnam District.
2. Two CCs to G.P. for Home, High Court of A.P. Buildings, Hyderabad (OUT)
3. Two CD Copies